ROBERT R. HENSSLER, JR.
California Bar No. 216165
FEDERAL DEFENDERS OF SAN DIEGO, INC.
225 Broadway, Suite 900
San Diego, CA 92101-5008
Telephone: (619) 234-8467

Attorneys for Mr. Valencia-Barragan

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(HONORABLE THOMAS J. WHELAN)

UNITED STATES OF AMERICA, Plaintiff, v. JOSE VALENCIA-BARRAGAN, ______________________________	Case No. 08CR1188-W Date: June 2, 2008 Time: 2:00 p.m. NOTICE OF MOTIONS AND MOTIONS TO: 1) COMPEL DISCOVERY; 2) PRESERVE EVIDENCE; 3) SUPPRESS STATEMENTS; 4) DISMISS INDICTMENT DUE TO MISINSTRUCTION OF THE GRAND JURY; 5) GRANT LEAVE TO FILE FURTHER MOTIONS

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY
STEPHEN MILLER, ASSISTANT UNITED STATES ATTORNEY

PLEASE TAKE NOTICE that on June 2, 2008, at 2:00 p.m. or as soon thereafter as counsel may be heard, Jose Valencia-Barragan, by and through counsel, Robert R. Henssler Jr., and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the following motions.

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MOTIONS

Jose Valencia-Barragan, by and through counsel, Robert R. Henssler Jr., and Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an order to:

(1) Compel discovery;

(2) Preserve evidence;

(3) Suppress statements under the Fifth Amendment;

(4) Dismiss the indictment due to misinstruction of the Grand Jury;

(5) Grant leave to file further motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and all other materials that may come to this Court's attention at the time of the hearing on these motions.

Respectfully submitted,

/s/ *Robert R. Henssler, Jr.*

Dated: May 19, 2008

ROBERT R. HENSSLER JR.
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Valencia-Barragan

CERTIFICATE OF SERVICE

Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of his information and belief, and that a copy of the foregoing document has been served this day upon:

Stephen Miller
U S Attorneys Office Southern District of California
880 Front Street
Room 6293
San Diego, CA 92101
(619)557-5610
Email: Steve.Miller2@usdoj.gov

Dated: May 19, 2008

/s/ Robert R. Henssler

ROBERT R. HENSSLER, JR.
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, CA 92101-5030
(619) 234-8467 (tel)
(619) 687-2666 (fax)
e-mail: Robert_Henssler@fd.org